

REMARKS

Regarding the Final Office Action:

Claims 1 – 15 are pending and under current examination. In the Final Office Action, the Examiner rejected claims 1 – 15 under 35 U.S.C. § 102(e) as anticipated by Kawano, et al. (U.S. Patent Application Publication No. 2002/0123011), and rejected claims 1 – 5 provisionally under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 16 – 85 of copending Application No. 10/026,419 ('419 application).

Applicants respectfully traverse the rejections, as detailed above, for the following reasons.

Regarding the Rejection of Claims 1 – 15 under 35 U.S.C. § 102(e):

Applicants respectfully traverse the rejection of claims 1 – 15 under 35 U.S.C. § 102(e) as anticipated by Kawano. The Examiner alleged that claims 1 – 15 are anticipated by Kawano. Applicants claimed a foreign priority date of February 16, 2001 based on JP 2001-040618, which antedates the earliest U.S. filing date of Kawano, December 26, 2001. Applicants file concurrently herewith a certified translation of JP 2001-040618. Accordingly, Applicants respectfully request that the Examiner reconsider this rejection in view of the certified translation and withdraw the rejection of claims 1 – 15 under section 102(e) over Kawano.

Regarding the “Double Patenting” Rejection:

Applicants traverse the provisional double patenting rejection of claims 1 – 5, and submit that pending claims 1 – 5 patentably distinguish over claims 16 – 85 of the '419 application. To advance prosecution, however, Applicants concurrently file a Terminal Disclaimer with respect to the '419 application. Accordingly, Applicants respectfully request that the Examiner withdraw the double patenting rejection and allow the present application.

Conclusion:

In view of the foregoing, Applicants request reconsideration of the application and submit that the rejections detailed above should be withdrawn. This Request for Reconsideration should allow for immediate and favorable action by the Examiner. Applicants submit that the pending claims are in condition for allowance, and request a favorable action.

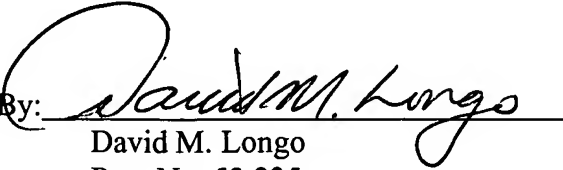
Should the Examiner continue to dispute the patentability of the claims after consideration of this Request, Applicants encourage the Examiner to contact Applicants' undersigned representative by telephone to discuss any remaining issues or to resolve any misunderstandings. Applicants' undersigned representative would welcome the opportunity to discuss the merits of the present invention with the Examiner if telephone communication will aid in advancing prosecution of the present application.

Please grant any extensions of time under 37 C.F.R. § 1.136 required in entering this response. If there are any fees due under 37 C.F.R. § 1.16 or 1.17, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 23, 2004

By: 
David M. Longo
Reg. No. 53,235

/direct telephone: (202) 408-4489/